IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL WRIT PETITION NO. 985 OF 2004

Pavitra Shripad Takale & Anr. .. Petitioners

Vs.

Aloke Enterprises & Anr. .. Respondents

Mr. A.P. Mundargi l/f Mr. Indrajit Joshi
for Petitioners.
Mr. S.R. Shinde, PP for State.

CORAM: S.K. SHAH, J.

DATE : 20th June, 2006.

P.C.

Heard. Perused the order passed by the learned Sessions Judge. Revision was filed against the order of issue of process under section 138 of the Negotiable Instruments Act against the accused No. 3. Revision application was filed by the Accused No. 1 and 2 also for recalling of the process. On the basis of the dishonour of the cheques the prosecution was launched. Accused No.2 had also resigned from the company.

2. However what is alleged in the complaint is that the said cheques came to be issued after the first set of cheques were dishonoured which were concerning the same transaction. It is necessary to consider that the accused No. 2 was concerned with the business of the company at the time when the first set of cheques were issued. In fact the first cheque was issued by the accused No.2 himself. Under the circumstances it needs no interference. Consequently I do not find any merits in the writ petition. The writ petition is

dismissed.

(S. K. SHAH, J)